



Bay Area Hazardous Waste Management Facility Allocation Committee

Administered by:

Association of Bay Area Governments

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Date: May 31, 2013

To: Hazardous Waste Management Facility Allocation Committee

From: Ceil Scandone, Senior Regional Planner

Re: 2013 Legislation Status

The Committee has been charged with reviewing Extended Producer Responsibility (EPR) and other relevant legislation and forwarding information and recommended positions to ABAG's Legislation and Governmental Organizations Committee. Staff works with the California Product Stewardship Council (CPSC) and Technical Advisory Committee members to identify bills for Committee consideration.

In the 2013 session, three bills are particularly germane to the Committee's mission. All three are sponsored or co-sponsored and supported by CPSC. Heidi Sanborn, CPSC's Executive Director who attended the November 2012 Committee meeting, is encouraging all CPSC members and partners to support these bills.

CPSC has posted links to each bill on the leginfo site, and Fact Sheet and sample support letters for AB 488 and SB 727 on the website at <http://www.calpsc.org/policy-and-legislation/2013-legislation>. Links to the three bills pages on Leginfo are also included in each bill's title below.

2013 State Legislation

Active:

[AB 488 Williams, Primary Battery Recycling Act](#)

This bill is sponsored by the California Product Stewardship Council and builds off of two years of work with Senator Ellen Corbett to pass an all alkaline and rechargeable battery recycling bill. To reduce opposition, this bill does not cover rechargeable batteries and would amend current regulations to require a producer-designed, funded and operated take-back program statewide that is convenient for consumers.

The attached Fact Sheet states that "... more than 150 million batteries are sold each year in the state. However, it is estimated that less than five percent of used batteries are recycled through local government household hazardous waste programs. To manage this universal waste, local governments and taxpayers pay up to \$2,700 per ton; this amounts to tens of millions of dollars each year.

Specifically, the bill would require:

- 1) A producer or group of producers to submit a plan to CalRecycle
- 2) CalRecycle to review and approve the plan
- 3) Producers to meet recycling rate and date thresholds established in the plan
- 4) Producers to file an annual report with CalRecycle describing activities carried out pursuant to the plan during the previous year ensuring a transparent program

Supporters: Cities, counties, and special districts throughout California, including many in the Bay Area are listed as supporters. The League of Cities and CSAC also support the bill.

Status: The bill was heard in the Assembly Natural Resources Committee April 15 and passed out of committee with a 6-3 vote. An Appropriations Committee meeting scheduled for May 15 was postponed by the committee.

Proposed Action: Staff recommends a support position be conveyed to the Legislation and Governmental Organizations Committee on this bill.

Two Year Bills

The following bills, which were introduced in 2012 have been turned into two year bills. Ms. Sanborn requested that we consider these bills and convey positions to the authors to demonstrate need for the proposed programs.

AB 403, Stone/Eggman – Sharps Producer Responsibility

This bill is also sponsored by CPSC with the goal of creating a statewide sustainably-funded sharps management system that is highly convenient and effective. While California imposed a sharps disposal ban in 2008, without a statewide collection system used needles are still found in trash and recycling bins, disposed on beaches and on land. They also end up in household trash. These improperly discarded needles pose a significant risk of injury and/or infection to children, custodial workers and solid waste employees.

According to the Assembly Committee on Appropriations analysis, an estimated one million Californians inject medications outside traditional health care facilities, generating approximately 389 million sharps each year. The numbers of patients using injectable medications will continue to grow because it is an effective delivery method. The most common home use of sharps is to manage diabetes. Other reasons to home-inject include multiple sclerosis, infertility, migraines, allergies, hemophilia and medications for pets.

The bill would require medical sharps producers to develop and implement a program to collect, transport and process home-generated medical sharps. CalRecycle would be responsible for reviewing and approving the plans.

Producers would be required to submit annual reports to CalRecycle along with an annual fee to cover administrative and enforcement. Producers would be permitted to form/join a non-profit stewardship organization to jointly prepare and implement a stewardship plan.

Support: Counties, cities, water districts, waste management and recycling agencies throughout California support this bill, including some from the Bay Area. It is also supported by the County Supervisors Association of California.

Status: This bill was heard in the Assembly Environmental Safety and Toxic Materials Committee on April 16 and passed out of committee with a 5-2 vote. The Assemblymembers have decided to hold on to AB 403 for the year and plan to continue the effort to address home generated sharps waste in 2014.

Proposed Action: Staff recommends a support position be conveyed to the Legislation and Governmental Organizations Committee on this bill.

SB 727, Jackson/Hancock – Medication Take Back Program

SB 727 would establish a pharmaceutical collection program to address the home storage and improper and illegal disposal of home-generated pharmaceuticals that has exacerbated concerns over increased drug abuse and impacts on water quality.

Co-sponsored by CPSC and the California Alliance for Retired Americans, and supported by this bill would require the producers (manufacturers) of pharmaceuticals to develop, implement and publicize a collection program for home-generated pharmaceutical products with oversight by CalRecycle. Allowing the private sector to design and operate the program ensures it will be the most cost-effective and efficient system. SB 727 follows successful models established in Canada and Europe, and the efforts of Alameda County in the Safe Drug Disposal Ordinance enacted in 2012.

The bill was scheduled to be heard in the Senate Environmental Quality Committee on May 1. Instead of a hearing, Chair Jerry Hill announced that pharmaceutical disposal was a problem he understood first-hand and he will hold the bill in committee while stakeholder meetings are held this year. He wants a bill next year that has producers sharing in the responsibility and that is mandatory and provides a statewide solution.

Supporters: Dozens of counties, cities, water districts, and waste management agencies throughout California have signed on to support this bill, including many from the Bay Area. It is also supported by the League of Cities, County Supervisors Association of California, and many environmental and health organizations.

Proposed Action: Staff recommends a support position be conveyed to the Legislation and Governmental Organizations Committee on this bill.

Staff will continue to monitor the CPSC website, and keep the Committee informed as the legislative session progresses.

ABAG Executive Board Action

At the November Committee meeting, following a presentation by Heidi Sanborn, the Committee approved the following recommendations:

1. Forward a request to ABAG Executive Director that Heidi Sanborn, Executive Director, CPSC, be invited to address the Executive Board on Extended Producer Responsibility.
2. If a presentation is scheduled, include in the staff report a request that the Executive Board approve sending a letter, signed by ABAG's President and Chair of the Hazardous Waste Management Committee, to all Bay Area cities and counties recommending the following actions:
 - a. Adopt an Extended Producer Responsibility resolution or legislative policy, if they have not already done so.
 - b. Support the work and consider joining the California Product Stewardship Council.
 - c. Develop a countywide or model local take-back ordinance for producers and/or retailers of the following products: paint, sharps, fluorescent lamps, pharmaceuticals, treated wood and non-rechargeable batteries.

Ms. Sanborn was invited to make a presentation at the Executive Board at January 17, 2013 meeting. The Board directed staff to draft a letter for signature by President Mark Luce encouraging all ABAG members to take the actions listed in the Committee action. The attached letter was sent to Mayors, Presidents / Chairs of Boards of Supervisors, City, Town and County Clerks, City and Town Managers and County Administrators in April.

Letter to all ABAG members encouraging support for Extended Producer Responsibility and the California Product Stewardship Council

Re: Local Actions Needed to Support Producer Responsibility for Managing Batteries, Pharmaceuticals, Sharps and Other Products

Dear _____,

At the January 17, 2013 meeting of the Association of Bay Area Governments Executive Board, Heidi Sanborn, Executive Director of the California Product Stewardship Council (CPSC), spoke about the costs local jurisdictions bear for the proper disposal of toxic and hazardous consumer products. As Chair of ABAG's Hazardous Waste Management Facility Allocation Committee, I am acutely aware of the problem and CPSC's efforts to shift this burden from government to manufacturers. The Executive Board authorized me to write to ABAG members suggesting actions you can take to support CPSC's work.

The Challenge

In 2006, the "Universal Waste" ban went into effect. Computers, fluorescent lamps, batteries and similar items were banned from landfills. In 2008, sharps were banned. With growing concerns about the public health, safety and water quality impacts of the improper disposal of pharmaceuticals, some that are under review may also be banned. The costs to government and general taxpayers to manage these products are significant.

A coalition of local governments and associations formed the CPSC in 2007 to advance Extended Producer Responsibility (EPR). Since then, CPSC has led local, state and national efforts to move responsibility for discarded products from local governments and taxpayers to manufacturers. Legislative successes include stewardship for mercury thermostats passed in 2008, and for paint and carpets in 2010.

Local Action

In 2011 and 2012, while efforts to legislate producer responsibility for batteries, fluorescent lamps, sharps and pharmaceuticals stalled, some CPSC members acted locally. In July 2012, Alameda County enacted the Safe Medication Disposal Ordinance – the first in the nation to require that pharmaceutical companies collect from the public and properly dispose of medications. On December 7, 2012 three organizations representing the pharmaceutical industry sued the county. To forestall similar ordinances in other jurisdictions the industry may now be open to a statewide solution. CPSC is working with Senator Jackson whose recently introduced SB 727 would create a statewide program.

2013 Legislation

CPSC is tracking the five stewardship bills listed below. Information is posted on their website at <http://www.calpsc.org/policy-and-legislation/2013-legislation>.

AB 488, Williams – Primary Battery Recycling Act
AB 403, Stone – Needle Stick Prevention Act

SB 727, Jackson – Medication Take – Back Program
SB 254, Hancock – Mattress Management
AB 251, Hueso and Stone – Plastic Pollution Reduction Producer Responsibility Act

What can your city/town/county do?

Together we can send a powerful message to manufacturers that we will pursue all available avenues until they establish safe, convenient, cost-effective end of life systems to collect and manage their products. Here are three actions your jurisdiction can take:

- a. Adopt an Extended Producer Responsibility resolution (sample resolution and staff report at <http://www.calpsc.org/join-cpsc/epr-where-you-live>) if you have not already done so; ensure EPR is in your legislative policy platform and take quick action on behalf of relevant bills.
- b. Support the work and consider joining the California Product Stewardship Council. Visit the website at <http://www.calpsc.org/> to learn how.
- c. Develop a model ordinance for producers and/or retailers of one or more of the following products: household batteries, sharps, fluorescent lamps, or pharmaceuticals. Contact CPSC at 916/706-3420 for assistance.

For more information on Extended Producer Responsibility or other hazardous waste concerns, contact ABAG staff, Ceil Scandone at ceils@abag.ca.gov or 510-464-7961. To learn more about the CPSC and its work, visit the website at <http://www.calpsc.org/> or contact Heidi Sanborn at 916/706-3420.

Sincerely,



Mark Luce
ABAG President
Supervisor, Napa County